



W.P(MD)No.18946 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2024

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CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.18946 of 2024

Valsar Koothathu Pagaligal,
Rep.by M.Maheshwaran,
S/o.Madavan,
Kundendhalpatti, Pramanamatti Post,
Thirupattur Taluk, Sivagangai District.

: Petitioner

Vs.

- 1.The Superintendent of Police,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Thirupattur.
- 3.The Inspector of Police,
Thirukoshtiyour Police Station,
Thirupattur Sub Division,
Thirupattur.
- 4.The Sub Divisional Magistrate,
Devakottai Sub Division,
Sivagangai.
- 5.Pandiayan Koothathu Pangaligal,
Rep.by M.Muthuraman,
S/o.Madhavan,
Kundendhalpatti, Pramanamatti Post,
Thirupattur Taluk, Sivagangai District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the official respondents to ensure the petitioner and their clan members to participate in the temple festivals and other Auspicious days of “Arulmigu Ponalagi Amman @ Alagunatchiamman Temple” situated at S.No.252/8, Pramanapatti Village, Tirupattur Taluk by ensuring the equality with dignity, which is guaranteed by the Articles 14, 21, 25 and 26 Constitution of India and grant such other and further relief.

For Petitioner : Mr.RM.Arun Swaminathan,
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor, for R1 to R4.
: Mrs.A.Devaki, for R5.

ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the official respondents to ensure the petitioner and their clan members to participate in the temple festivals and other Auspicious days of “Arulmigu Ponalagi Amman @ Alagunatchiamman Temple” situated at S.No.252/8, Pramanapatti Village, Tirupattur Taluk by ensuring the equality with dignity, which is guaranteed by the Articles 14, 21, 25 and 26 Constitution of India and grant such other and further relief.



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2. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the official respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the writ petitioner submitted that the festival (Aadi Padaipu) in “Arulmigu Ponalagi Amman @ Alagunatchiamman Temple” situated at S.No.252/8, Pramanapatti Village, Tirupattur Taluk, is going to be held on 06.08.2024 and 07.08.2024. Since there was some objections by the other side for the petitioner to participate in the festival, they have sent representation to the respondents, but the same has not been considered. Since no order was passed, the writ petitioner has come before this Court for the above said relief.

4. When the matter is taken up for hearing today, the learned counsel for the fifth respondent would submit that some other members in the petitioner's group of Pangaligal have earlier filed two writ petitions in W.P(MD)No.2885 of 2024 and W.P(MD)No.17115 of 2024, wherein it has been specifically observed that the petitioner's Pangalies are only having worshipping right and they are not entitled to take part in the festival. It is



necessary to refer the order passed in W.P(MD)No.17115 of 2024 and the relevant passages are extracted hereunder :

“ 2.The learned counsel appearing for the private respondents pointed out that W.P(MD)No.2885 of 2024 has been filed in respect of the very same temple by another individual. The said writ petition was disposed of by me in the following terms:

“3.Be that as it may, the learned counsel appearing for the respondents states that the petitioner can also offer his worship along with others. But on the particular date (Maasi Kallarai and Thai Festival) to be held from 07.03.2024 to 09.03.2024, the petitioner cannot enter what is known as "Karuvarai". On other days, the petitioner can enter even “Karuvarai” and offer his worship. If the petitioner is still having any grievance, it is always open to the petitioner to establish his rights before the jurisdictional civil Court.

4. With this liberty to writ petitioner and recording the stand of the private respondents, this writ petition is disposed of. There shall be no order as to costs.”

At present, Aadi festival is being conducted. It is stated that the petitioner cannot enter what is known as “Karuvarai” but he can participate like any other devotee.



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3.This submission of the learned counsel appearing for the private respondents is placed on record. If the petitioner is still having grievance, it is always open to the petitioner to establish his rights before the jurisdictional civil Court.

5. The learned counsel for the fifth respondent would further submit that they are not having any objections for the petitioner to worship in the temple and they are not preventing them at any time from worshipping in the temple, but at the same time, they are not entitled to take part in the poojas and other festival.

6. At this juncture, the learned counsel for the petitioner would submit that the submission made by the learned counsel for the fifth respondent may be recorded.

7. The Submission of the learned counsel for the fifth respondent is placed on record. Considering the above facts and circumstances and taking note of the earlier orders passed by this Court and the submission made by the learned counsel for the fifth respondent, it is very much clear that the petitioner's group of Pangalies are only entitled to offer their worship. If the



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petitioner's group of Pangalies are still having grievance, it is always open to them to establish their rights before the jurisdictional civil Court.

8. With the above observation and direction, the writ petition stands disposed of. No costs.

06.08.2024

NCC : Yes/ No
Index : Yes/No
Internet : Yes/ No
das

Note : Issue order copy on 06.08.2024.

To

- 1.The Superintendent of Police,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Thirupattur.
- 3.The Inspector of Police,
Thirukoshtiyour Police Station,
Thirupattur Sub Division,
Thirupattur.
- 4.The Sub Divisional Magistrate,
Devakottai Sub Division, Sivagangai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J

das

Order made in
W.P(MD)No.18946 of 2024

06.08.2024